

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x	
UNITED STATES	:
	:
-v-	:
	:
ROBERT DEBELLO	:
	:
Defendant.	:
-----x	

S10 15-cr-491 (JSR)

MEMORANDUM ORDER

JED S. RAKOFF, U.S.D.J.

Before the Court is defendant Robert DeBello's motion for compassionate release, filed under seal, pursuant to 18 U.S.C. § 3582(c)(1)(A). The Government does not oppose Mr. DeBello's motion and agrees that there are "extraordinary and compelling reasons" warranting his release.

DeBello, seventy-eight years old, is nearing the end of a five-year sentence for conspiracy to defraud the United States and would, under ordinary circumstances, have been eligible for release to home confinement in about seven months. Since being injured as a result of a serious fall in 2019, DeBello has experienced numerous medical complications including a life-threatening bacterial infection, various respiratory problems, and additional falls. He suffers from diabetes and hypertension and is wheelchair bound. He has been hospitalized several times; his most recent hospitalization has lasted nearly three months. Medical personnel for the Bureau of Prisons have observed that he is unable to care for himself and to perform the ordinary

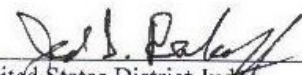
activities of daily life on his own. These medical circumstances, without doubt, place him at a higher risk from the COVID-19 virus.

The Court agrees with the Government and the defense that the combination of Mr. DeBello's serious medical conditions from which he is not expected to recover, his advanced age, his vulnerability to COVID-19, and his inability to care for himself within the environment of a correctional facility constitute an extraordinary and compelling reason for his release pursuant to U.S.S.G. § 1B1.13 Application Note 1(A)(ii)(I).¹ The Court accordingly grants the motion and resents Mr. DeBello to serve the remainder of his incarceratory sentence under home confinement at his residence, where he will live with the aid of a caregiver.

The Bureau of Prisons is directed to release Mr. DeBello directly from the facility where he is hospitalized as soon as his family can facilitate his transportation back to his residence.

SO ORDERED

Dated: New York, NY
April 20, 2020


United States District Judge

¹ Mr. DeBello has also satisfied the administrative exhaustion requirement of 18 U.S.C. § 3582(c)(1)(A), as he petitioned the warden of LSCI Allenwood for release on February 10, 2020.